

MINUTES OF THE
UTAH ASSOCIATION OF COUNTIES INSURANCE MUTUAL
BOARD OF DIRECTORS MEETING HELD ON
THURSDAY, June 18, 1992

Commissioner Tom Hatch, President of the Utah Association of Counties Insurance Mutual, called the meeting to order and welcomed everyone to Panguitch and Garfield County and thanked those who had traveled quite a distance to attend the Board of Directors Meeting.

The following individuals were present: ~~Commissioner Kenneth R. Brown, Rich County;~~ Dennis D. Ewing, Tooele County Clerk; Sheriff Sidney P. Groll, Cache County Sheriff; Commissioner Tom Hatch, Garfield County; ~~Commissioner Gary R. Herbert, Utah County;~~ Jerry Hess, Davis County Deputy County Attorney; Commissioner Scott Hirschi, Washington County; Commissioner Dixie Thompson, Emery County; L. Brent Gardner, Executive Director of the Utah Association of Counties; Harry P. Bowes, consultant to the Utah Association of Counties Insurance Mutual; David L. Nelson, Risk Management Control Manager of the Utah Association of Counties Insurance Mutual; Jess A. Hurtado of Rollins Burdick Hunter of Utah, Inc.; and Douglas Alexander of Rollins Technical Services.

MINUTES

A Motion was made to accept the Minutes of the Meeting of May 21, 1992, as prepared. A second to that Motion was made by Dennis D. Ewing and unanimously passed.

L. Brent Gardner then brought up the subject of the Minutes for the Meeting on March 19, 1992. It was the Meeting in February where two sets of Minutes were taken and prepared and there still seems to be some confusion between the February and March Meetings. A Motion was then made that the Minutes of the March 19, 1992, Meeting be approved as prepared. The Motion was seconded and unanimously passed.

PRESENTATION OF THE CLAIMS REPORT

Douglas Alexander was asked to present the "Claims Report." Mr. Alexander reported on an accident involving a Deputy Sheriff who rolled his Dodge Ram Charger while he was on route to assist on a "disturbance call." The repairs on the unit will be around \$5,000.00 and the value of the vehicle wholesale, less salvage is about \$5,400.00. It probably will be repaired, but they may not decide to repair it and may just replace it. This is a Utah County matter. Mr. Alexander requested authorization in the amount of \$5,200.00. A Motion was made to give Mr. Alexander authorization of up to \$5,500.00 to use at his discretion in negotiating this claim. The Motion was seconded and unanimously passed.

The next item to come up for discussion was the ~~celebrated~~ "McDonald" case in Uintah County. Mr. Alexander reported to the Board of Directors that the ~~matter had been~~ ^{not had} settled while he was out of town. Mr. Alexander indicated that they justified settling the case without him by saying that he was not in agreement

with their thinking that this case was worth the statutory limits. The City really wanted to settle the matter and they put pressure on the Trust and on Ms. Lowder to get the matter settled. They paid \$125,000.00 which was half of the statutory limits. Mr. Alexander thought the matter might still be turned around on the theory that Mr. McDonald is pretty well leaning on the witness statements. Mr. Alexander went on to relate his experience of having sat near the subject intersection for about an hour. Every automobile pulled up to where they could see around the old post office building. Several members of the Board of Directors made the observation that they thought Mr. McDonald was at fault in hitting the fire truck. Speed has been ruled out as a contributing factor. Mr. Alexander was encouraged to use the authority he has already been given in this matter and to try to salvage the pieces.

A question arose involving one matter as to whether or not in the 1993 Policy the Board of Directors would want to exclude all "Fair Labor Standards Act" claims. Harry P. Bowes recommended that all Fair Labor Standards Act claims be excluded. ~~No decision was made at this time.~~ *The decision was made not to extend coverage.*

David L. Nelson was directed by the Board of Directors to prepare and eventually distribute a Memorandum to the members of the Utah Association of Counties Insurance Mutual clarifying that the Mutual will not extend coverage to its members for Fair Labor Standards Act cases.

No action was taken by the Board of Directors to adjust any of the claim reserves that have been approved previously.

THREE LOSS PREVENTION COMMITTEES

L. Brent Gardner gave the Board of Directors a report on the status of the formation of the three Loss Prevention Committees. All three committees are now constituted and functioning in the area of "loss prevention." The Litigation Committee has been the most active up until now. It consists of the County Attorneys who are reviewing all of the claims and cases and giving advice on how they ought to be handled and making their recommendations to the Board of Directors. Jerry Hess is on that committee. The Law Enforcement Loss Prevention Committee is made up of the Sheriffs and they met yesterday for the first time. Four out of the seven Sheriffs on that committee were there and they seemed very receptive to participating and trying to help establish policies and procedures and make recommendations through their organization that will help to avoid losses in the areas of law enforcement. The other loss prevention committee dealing with personnel will be staffed by Clerks, except in Utah and Davis Counties where Personnel Directors will be serving instead. This Committee will be meeting for the first time on Monday, June 22, 1992.

Mr. Hess then took a few minutes to tell about the Litigation Committee Meeting on June 16. There is a genuine concern about who in each county is receiving notice of each claim. It was suggested that the County Attorney or his designee should be involved and informed whenever a claim comes in and that there should be immediate notification and not days later. It is critical to getting

the information to Mr. Alexander and to others who should be notified immediately. Pictures need to be taken immediately, etc. It was unanimously agreed that there needs to be an improvement in the education of the County Commissions and others in the liability factors and that speed is of the essence in handling claims. Some of the claims that go into litigation could be around for quite some time. Mr. Hess also expressed his opinion that the Litigation Committee Meetings are invaluable and are a great way to discuss problems and obtain feedback from others who are dealing with similar, if not the same, situations.

WESTERN STATES ASSOCIATION OF COUNTIES INSURANCE ENTITIES

Mr. Gardner took a few minutes to address this subject. He mentioned that it would be invaluable to team up with some of the other state associations that have insurance pools to exchange ideas and information. Mr. Gardner suggested that getting together during the NACo meetings in July would be a good time, but that he just wanted to check with the members of the Board one last time to make sure that that was the desire of the Board of Directors. The consensus of opinion was that it would be a benefit to learn everything we can and to pursue this.

BROKERAGE AGREEMENT WITH ROLLINS BURDICK HUNTER

Mr. Gardner mentioned that the above Brokerage Agreement is still in the process of being negotiated, but that the UACIM is getting closer to having a Brokerage Agreement in place. He passed out copies of a letter from Bill Peters with his comments after reviewing Rollins Burdick Hunter's response. Bill Peters is available by telephone if there is a need to discuss any of his comments with him. Mr. Bowes was asked to express his opinion and he reiterated what he had stated before that he couldn't change his mind on several of the issues that are still up in the air and that it is imperative that they be resolved as soon as possible and that the document be executed by both sides. This discussion will be continued at the next UACIM Board of Directors Meeting in July.

SERVICE MANUALS

Mr. Bowes showed an example of the one that was prepared for Colorado. The suggestion was made that Mr. Hurtado, Mr. Nelson, Mr. Alexander and Mr. Bowes work on putting a manual together. Several suggestions were made as to how it should be prepared and printed. There should be some sort of capability of having changes inserted without having to reprint the whole manual.

OTHER BUSINESS

Mr. Hurtado took a few minutes to report that the "Renewal Questionnaires" are on his desk and that he will be preparing cover letters and mailing those out. It was mentioned that Summit County is very interested in coming aboard next year and that they want to meet before they go into their budgeting process. The "Certificates of Participation" have now been signed and have been given to Mr. Nelson to distribute to those participating counties.

Mr. Hurtado then had a discussion with Mr. Bowes concerning certain rating formulas that will need to be considered going into the renewal process. No Rating Formula Committee has been chosen and no discussion has been carried on up to this point about how this should be done--or even if anything should be done this year. The observation was made that there is benefit to a status quo for the first two years.

NURSE PRACTITIONERS

A nurse practitioner is not covered by malpractice insurance. A nurse is covered as long as she is carrying out a doctor's orders, but the doctor is not covered by malpractice insurance.

SCHEDULING OF FUTURE MEETINGS OF THE UACIM BOARD OF DIRECTORS

The next Board of Directors Meeting is scheduled to be held in Logan on Wednesday, July 29, 1992, at 12:00 Noon at the County Offices. The following Board of Directors Meeting will be held on Thursday, August 20, 1992, at 12:00 Noon, at the Courthouse in Castle Dale and Emery County will serve lunch.

MEETING WITH THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

Drafted that he wrote A meeting has been set up for Wednesday, June 24, 1992, at 2:00 p.m. Commissioner Scott Hirschi discussed with the Board of Directors the letter Susan wrote to Harold Yancey and also the letter that was sent to the Trust. The meeting will be held in the Insurance Commissioner's office and every county which has an interest in this should be represented. There was some concern expressed that may be there wouldn't be a lot of notice given to get as many people there as the Board of Directors would like.

There being no further business to come before the meeting, it was adjourned.

UAC Insurance Mutual Board of Directors

Garfield County Courthouse
Panquitch, Utah

Thursday, June 18, 1992 12:00 Noon

A G E N D A

1. Lunch at Panquitch City Park (North end of Town)
2. Call to Order (Courthouse)
3. Minutes
4. Claims Report
5. Loss Prevention Committees
6. Western States Association of County Insurance Entities
7. Brokerage Agreement
8. Conflict of Interest Statement
9. Special Districts Survey Information
10. Service Manual
11. Insurance Coverage for County Contractual Relationships and Intergovernmental Agreements
12. Other

Minutes
UACIM Board of Directors
June 18, 1992

Minutes of May 21st were approved.

Minutes of March 19, 1992 were ratified. Some members quite certain they were approved previously.

Doug Alexander presented the Claims report. The Board no action to adjust any of the claim reserves that had been previously ~~given to the~~ approved.

A question arose involving one case as to whether in the 1993 Policy the Board would want to exclude Fair Labor Standards Act Claims? ~~No decision was made at this time.~~

Harry Bower recommended that FLSA Claims be excluded.

Dave Nelson was directed to prepare and distribute a memo to members of the Mutual clarifying that the Mutual will not extend coverage to ^{its} members for FLSA Cases.

Mr. Luchie gave the Board a report of the status of formation of the three Loss prevention Committees. All three Committees are now Constituted and

WACIA Board & Directors
June 18, 1995

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Minutes of March 19, 1995 were ratified. Some members quite certain they were approved previously.

Doug Chapman presented the Chairman report. The Board was asked to accept copy of the Chairman's remarks that had been previously given to the approved.

A question arose. Involving our case on to whether in the 1993 policy the Board would want to exclude from later standards. But Chairman? He ~~decided~~ ~~was~~ ~~not~~ ~~at~~ ~~the~~

Harry Brown recommended that FSA Chairman be excluded.

One motion was drafted to prepare and distribute a memo to members of the Institute. Hoping that the motion will not affect coverage to members for FSA Case.

Mr. Chapman gave the Board a report of the status of formation of the three case prevention committees. All three committees are now constituted and

two have met. The third Committee, concerning personnel, will hold its first meeting on June 22, 1992.

Mr. Hess commented on the litigation Committee meetings and expressed the opinion that the meetings have proven to be very helpful.

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